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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 F.G. CROSTHWAITE, et al.,

Case No.: C12-6178 SI

15 | Plaintiffs,

16 | vs.

**17 GIACALONE ELECTRICAL SERVICES,  
INC., et al.,**

**STIPULATED REQUEST TO  
CONTINUE CASE MANAGEMENT  
CONFERENCE**

CMC: 1/17/14  
Time: 3:00 pm  
Ctrm: 10 (19<sup>th</sup> Floor)  
Location: 450 Golden Gate Avenue  
San Francisco, CA  
Judge Honorable Susan Illston

**PENSION PLAN FOR PENSION TRUST  
FUND FOR OPERATING ENGINEERS, et  
al.**

Case No.: CV 13-02338-SI

23 Plaintiffs.

24 | VS.

**25 GIACALONE ELECTRICAL SERVICES,  
26 INC., et al.,**

**STIPULATED REQUEST TO  
CONTINUE CASE MANAGEMENT  
CONFERENCE**

CMC: 1/17/14  
Time: 3:00 pm  
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Location: 450 Golden Gate Avenue  
San Francisco, CA  
Judge Honorable Susan Illston

1           In accordance with Rule 16 and 26(f) of the Federal Rules of Civil Procedure, Northern  
 2 District Local Rule 16-9, Standing Order for All Judges of the Northern District of California, and  
 3 Honorable Susan Illston's Case Management Order, the parties hereto submit this Stipulated  
 4 Request to Continue the Case Management Conference.

5 **Related Actions**

6           1.       On June 18, 2013, the Court related *Crosthwaite v. Giacalone Electrical Services, Inc., et al.*, Case No. CV12-6178 SI ("Contributions Action") to *Pension Plan for Pension Trust Fund for Operating Engineers, et al., v. Giacalone Electrical Services, Inc., et al.*, Case No. CV13-2338 ("Withdrawal Liability Action"). Docket No. 38.

10           2.       In the Contributions Action, Plaintiffs seek delinquent contributions and other related sums in excess of \$850,000 found due to the Operating Engineers Trust Funds ("Trust Funds") upon audit of the records of Defendant Giacalone Electrical Services, Inc. ("Giacalone Electrical") for the time period January 1, 2005, through July 24, 2009.

14           3.       In the Withdrawal Liability Action, Plaintiffs seek withdrawal liability of \$2,231,762 and other related sums as a result of Defendant Giacalone Electrical's withdrawal from the Pension Plan for Pension Trust Fund for Operating Engineers ("Plan").

17 **Defendants**

18           4.       Defendant Giacalone Electrical was named in the Contributions Action and the Withdrawal Liability Action, and the Court entered default against said defendant in both actions. Docket Nos. 33 and 22, respectively.

21           5.       Defendants Giacalone McDermott Management, LLC, Luchessa Road, LLC, Ronan Avenue Investors, LLC were named only in the Withdrawal Liability Action, and the Court entered default against said defendants. Docket Nos. 22, and 30.

24           6.       Defendant Giacalone Design Services, Inc. was only named in the Contributions Action and has been dismissed. Docket No. 54.

26           7.       Defendants VLG2, LLC, and Crow Court LLC, were only named in the Withdrawal Liability Action and have been dismissed. Docket No. 39.

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1       8. A mediation was held on December 11, 2013, with court appointed mediator James  
2 Fleming. Plaintiffs and Defendants Gilroy Construction, Inc., Vincent Giacalone and Lisa  
3 Giacalone participated in the mediation.

4 9. As a result of the mediation Plaintiffs and Defendant Gilroy agreed to a settlement.  
5 Docket No. 56. The execution of the settlement agreement is pending and upon full and timely  
6 satisfaction of the terms of the settlement agreement Defendant Gilroy will be dismissed from the  
7 Contributions Action and the Withdrawal Liability Action.

8        10. Defendants Vincent Giacalone and Lisa Giacalone were only named in the  
9 Withdrawal Liability Action. Plaintiffs and Defendants Vincent Giacalone and Lisa Giacalone  
10 will continue settlement negotiations. Docket No. 56. Plaintiffs anticipate subpoenaing further  
11 documents from their accountant and/or taking his deposition in order to facilitate settlement  
12 discussions.

13 11. There are no other Defendants named in either action.

14        12. After further settlement negotiations and upon completion of any further necessary  
15 written discovery and depositions, Plaintiffs and the remaining Defendants will decide if any  
16 motion work is required.

17        13. Based on the foregoing, the parties who have appeared in this action and not been  
18 defaulted or dismissed hereby request to continue the Case Management Conference to Friday  
19 March 21, 2014, at 3:00 p.m.

21 | Dated: January 7, 2014

SALTZMAN & JOHNSON LAW CORPORATION

By: \_\_\_\_\_ /s/  
Shaamini A. Babu, Esq.  
Attorney for Plaintiffs

1 Dated: January 7, 2014

SWEENEY, MASON, WILSON & BOSOMWORTH

2

3 By: \_\_\_\_\_ /s/

4 Roger M. Mason

5 Attorneys for Defendant Gilroy Construction, Inc.

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7 Dated: January 17, 2017

HINSHAW CULBERSTON LLP

8

9 By: \_\_\_\_\_ /s/

10 Amy Jensen, Esq.

11 Attorneys for Defendants for Vincent Giacalone  
12 and Lisa Giacalone

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**ORDER**

14 IT IS SO ORDERED.

15 Based on the foregoing and good cause appearing, the Case Management Conference is  
16 continued to Friday March ~~21~~<sup>28</sup>, 2014, at 3:00 p.m. The parties who have appeared in this action  
17 and not been defaulted or dismissed must file a Case Management Conference Statement by  
18 Friday March ~~14~~<sup>21</sup>, 2014.

19

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Date: 1/13/14



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THE HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT COURT JUDGE